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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/199,747 11/25/98 GIMPEL

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EXAMINER
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020995 MM91/0601  
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LOCKETT, K	
ART UNIT	PAPER NUMBER

2837  
DATE MAILED:

8  
06/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/199,747**

Applicant(s)  
**Dudley D. Gimpel**

Examiner  
**Kim Lockett**

Group Art Unit  
**2837**



☒ Responsive to communication(s) filed on Mar 28, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 10-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoJacono et al in view of Porter.

LoJacono et al teaches the use of a nut for a stringed instrument having one or more strings, a body and a neck, the nut comprising, a elongated body that extends across a portion of the neck of the instrument, tuning keys(42), one or more intonations(17) that are equal to the number of strings (see figure 7) (claims 2, 14, and 19 ) on a side of the body where the intonations have different dimensions that accommodate strings of different sizes. The device taught by LoJacono et al accommodates strings of different sizes by an adjustment means thus providing fixed intonations when adjusted. LoJacono et al does not teach the specific fixed diameters claimed by the applicant. However the saddle members taught by LoJacono are adjustable thus having the advantage of being fixed when adjusted to various diameters.

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Regarding claims 3 and 4, LoJacono teaches slots(22) that are aligned with an intonation (see figure 1).

Regarding claim 6, LoJacono teaches the use of first and second sidewalls(see figure 3).

Regarding claims 5 and 8 reciting specific diameters, the intonations taught by LaJocono are adjustable thus covering various diameters.

Regarding claim 13, the nut taught by LoJacono has a front side, back side, a top, and a bottom side (see figure 4).

Regarding claim 17, the bottom side of the nut contacts the neck of the instrument and the side of the nut faces the body of the instrument.

Regarding claims 22-24 Lojocano teaches a plurality of termination points offset in distance from one another along the body of the instrument.

LoJacono does not specifically teach the varying of string sizes to achieve specific pitches. However LoJacono does teach adjusting intonations having different dimensions that can accommodate strings of different sizes. The examiner takes official notice that it is well known in the art to vary the size of strings in order to provide different pitches for stringed musical instruments.

LoJacono does not specifically teach the intonations on the front side of the nut or the use of intonation portions that extend outwardly from the nut. D.S. Porter teaches the use of intonation portions that extend outwardly from the nut (see figure 1) and intonations on the front side of the nut (see figure 1).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the adjustable nut as taught by LoJacono to include outwardly extending intonations on the front of the nut as taught by D.S.Porter to provide an efficient arrange of pitches and for various sized strings of a guitar.

3. Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoJacono et al in view of Wilkinson.

Claims 7 further recites the use of first and second walls joined by a lower surface.

Wilkinson teaches the use of a nut for stringed instruments comprising first and second side walls joined by a lower surface (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of LoJacono and Wilkinson to provide different diameters in order to allow for varying string diameters.

#### ***Response to Arguments***

4. Applicant's arguments filed 3/20/00 have been fully considered but they are not persuasive.

With respect to the applicant's arguments that the intonations taught by LaJocono are on the front of the nut, Porter teaches intonations on the front side of the nut (see figure 1).

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With respect to the applicant's arguments that the LaJocono doesn't have fixed intonations, the saddle members taught by LoJacono are adjustable thus having the advantage of being fixed when adjusted to various diameters.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Locket whose telephone number is (703) 308-7615.

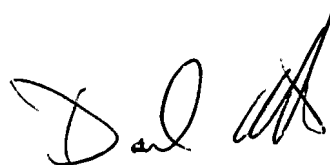
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for this Group is (703) 305-3431.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

A handwritten signature in black ink, appearing to read 'David Martin', with a stylized flourish at the end.

**David Martin**  
**Primary Examiner**